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Attorneys for Defendant  
JPMORGAN CHASE BANK, N.A.,  
As Acquirer of Certain Assets and Liabilities of  
Washington Mutual Bank

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ACTUATE CORPORATION, a Delaware  
corporation,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A., a Delaware  
corporation, as Acquirer of Certain Assets and  
Liabilities of WASHINGTON MUTUAL  
BANK, a Washington corporation,

Defendant.

CASE NO.: CV 08-2918 SI

**STIPULATION REGARDING CASE  
SCHEDULING**

Hon. Susan Illston

Complaint Filed: June 11, 2008  
Trial Date: December 7, 2009

1 Plaintiff Actuate Corporation (“Actuate”) and Defendant JPMorgan Chase Bank, N.A., as  
2 Acquirer of Certain Assets and Liabilities of Washington Mutual Bank (“Washington Mutual”),  
3 hereby submit this stipulation regarding the case schedule.

4 (1) *Recent Mediation*: The parties attended a mediation on September 11, 2009, and  
5 expect to enter into an out-of-court resolution;

6 (2) *Current Case Schedule*: Under the current schedule, the last day for expert  
7 depositions is September 25, 2009, and the motion deadlines are October 2 for opening briefs,  
8 October 16 for opposition briefs, and October 23 for reply briefs, with a hearing set for  
9 November 6;

10 (3) *Stipulated Case Schedule*: While the parties are currently finalizing the expected  
11 resolution, they wish to extend the case schedule by two weeks to avoid missing any deadlines.  
12 Accordingly, the parties hereby stipulate to extend the expert deposition deadline to October 9,  
13 2009. The parties likewise hereby stipulate to extend the motion dates to October 16, October  
14 30, and November 6, 2009, with a hearing on November 20, 2009, if such dates are convenient  
15 for the Court.

16 (4) The parties respectfully request that the Court enter an Order reflecting this  
17 stipulation.

18  
19 Dated: September 25, 2009

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

21 /s/ James A. DiBoise

22 By: \_\_\_\_\_  
James A. DiBoise  
jdiboise@wsgr.com  
Charles T. Graves  
tgraves@wsgr.com

25 Attorneys for Plaintiff  
26 Actuate Corporation

1 Dated: September 25, 2009

HOWREY LLP

2 /s/ Benjamin K. Riley

3 By: \_\_\_\_\_

Benjamin K. Riley

4 rileyb@howrey.com

5 Attorneys for Defendant  
6 JPMorgan Chase Bank, N.A.,  
7 As Acquirer of Certain Assets and  
8 Liabilities of Washington Mutual Bank

9 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

10  
11 Dated: \_\_\_\_\_



12 The Honorable Susan Illston  
13 United States District Judge  
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1 I, Charles T. Graves, am the ECF User whose identification and password are being used  
2 to file this STIPULATION REGARDING CASE SCHEDULING. In compliance with General  
3 Order 45.X.B, I hereby attest that BENJAMIN K. RILEY has concurred in this filing.

4 Dated: September 25, 2009

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

6 By: /s/ Charles T. Graves  
7 Charles T. Graves